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ABSTRACT

This report examines student participation on the Board of Trustees. The report is divided into three main sections, each in itself only a general category. The first section reviews the notion of a Board of Trustees and examines briefly the characteristics of the lay governing board. The second section of the report deals with the nature of student participation in governance. Four major approaches to the governance of American higher education are discussed: (1) the university as a "community of masters," (2) the university as an "educational corporation," (3) the university as an "educational community," and (4) the "student as consumer." The final section reviews the scope of student participation in collegiate governing boards. This section takes into special account the activities that have been taking place in public higher education. (MJM)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

ON THE NATURE AND SCOPE OF STUDENT PARTICIPATION ON BOARDS OF TRUSTEES

U.S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Office of Youth and Student Affairs

January 1973

The question of who should govern our colleges and universities is one which is as old as is the notion of higher education. And yet it is as new as the freshman orientation program which will be taking place on 2700 campuses this fall. It is a question which has confounded educators, politicians, journalists and students alike for at least seven centuries and probably will continue to do so for at least seven more.

In addition to the question of "who should govern?" one finds a multitude of questions ranging from "how should they govern?" to "should students in particular govern?" It is, of course, the latter of these questions which this report will explore. But "Nature and Scope," as a report, will not cover every aspect of even that single question, for the literature in this field is so scattered and in such disarray that a monumental task would be simple compilation of information.

Feeding this Report, for example, were some 59 books, 163 magazine articles, over 100 pamphlets, brochures and flyers, and literally hundreds of personal statements. And still this material, admittedly, only scratches the surface.

The Report itself is divided into four main sections, each in itself only a general category. We begin with a review of the notion of a Board of Trustees. The American lay governing board, as we shall later explain, is a unique phenomena in the history of the governance of higher education. Although it has, over the past fifty years, been adopted (to a limited extent) by higher educational systems outside of the United States, through the nineteenth century it was unduplicated anywhere in the world. Even today, its precise nature and characteristics are not seen anywhere outside of North America. The lay governing board, in contemporary society, serves not merely an educational purpose but, also, economic, political, religious, and social purposes as well. It is an institution which has, with very few exceptions, not received appropriate public scrutiny though it is a public servant. It is an institution which has been faced with the problems of civil disorders, riots, destruction, mass arrests and personal injuries and yet is understood by no more than a handful of Americans. The first part of this Report will examine briefly the characteristics of the lay governing board.

The second section of the Report deals with perhaps the most important issue to the Office of Youth and Student Affairs: the nature of student participation in governance. In examining that question, we discovered four major approaches to the

governance of American higher education, and we have related student participation to each of these four approaches. They are: (1) the university as a "community of masters" approach, (2) the university as an "educational corporation" approach, (3) the university as an "educational community" approach, and (4) the "student as consumer" approach. The second of these approaches, the educational corporate approach, appears to be the dominant American view of collegiate governance, and hence has been examined in greater depth than any of the other three. This corporate approach, because it is so vast and diversified, has, for example, both the ability to include student participation and exclude such participation, and each of these options has also been examined.

The final section of the report reviews the scope of student participation in collegiate governing boards. This section takes into special account the activities which have been taking place in public higher education.

It is important to understand, while reading the Report itself, that because of the depth and diversity of views on this subject, the author has made every attempt to allow advocates of particular philosophies to speak for themselves. Most of these men and women, be they students, administrators, faculty, trustees, educators, or public officials, are very well-informed and articulate on the subject, and they themselves have provided a large portion of this Report. In order to get these opinions, in June we queried over 250 educational leaders and public officials on their reaction to the question of student participation on governing boards. These opinions were later augmented by a series of personal interviews ranging from discussions with the Chancellor of Higher Education of Pennsylvania to Administrators in the School of Education at the University of Iowa. In addition, we surveyed trustees in two State systems where students have been members of governing boards since 1969.

Added to all of this, of course, have been the studies, reports, surveys, books, articles, pamphlets, speeches, and flyers which have flooded the educational community over the past five years on the question of student participation in governance.

OUTLINE

I

THE GOVERNING BOARDS OF INSTITUTIONS OF HIGHER EDUCATION

A. The Historical Development of the Governance Board

1. European Roots

Richard Hofstadter, in his authoritative book, The Development and Scope of Higher Education in the United States, refers to a board of trustees as "one of the oddities in the history of higher education,"[1] and his observation is reflected by every major author on the subject. When institutions of higher learning began to develop in Medevial Europe, they developed two basic forms of governance. The first model, and the one which eventually dominated all of Europe and most of the Western World excepting America, was to be found at the University of Paris. Paris was considered a collection of professionals who, instead of offering their services individually and in isolation (e.g., private tutors), offered these services in a cooperative venture. The Paris model of University Governance was closely related to the governance patterns of medevial guilds, and, in fact, was alternately called the Community of Scholars, the Community of Masters, or the Community of Fellows.

The much less successful alternative to the Paris/Community of Masters model was founded in Bologna. At Bologna, the wealthiest and most ambitious aristocrats in Italy wished to learn more of the ways of ancient and current laws. Consequently, these wealthy men imported and hired learned scholars to teach them law. Thus developed the first contemporary law school, under the domination of the aristocratic students of Italy. The governing body of the University of Bologna was the student body, while the governing body of the University of Paris was the Community of Masters, and these two governance approaches--the latter much more so than the former--have held sway over most of non-American higher education.

Eventually as the Italian aristocracy sent younger, less independently wealthy and more rowdy students to Bologna, these students began to loose their control. In the confusion that ensued, the prominent townspeople of Bologna took the school over, thereby creating a forerunner of the contemporary American board of trustees.

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[1] Hofstadter, Richard, The Development and Scope of Higher Education in the United States, page 123. Columbia University Press, New 1952.

The Community of Masters approach to governance, on the other hand, spread throughout Europe and found a particularly strong home in England, where the Universities of Oxford, Cambridge and London were established. Along with this basic governance approach, a philosophy of higher education grew in Europe and in England in particular. That underlying view of the university was a natural reflection of the community of scholars notion: namely that learning took place for learning's sake and that it, like any other art, should be perfected by students' under the direction of Masters.

2. Colonial Roots

It was essentially that ideal of learning for learning's sake that was destroyed in the American Colonial wilderness. When, in 1636 for example, the General Court of the Massachusetts Bay Colony decided to appropriate £400 for the establishment of a college, there were very few educated men around. The College organizing committee, when it was established the following year, consisted of the twelve most educated men in the colony. Six of these men were magistrates and six were ministers; they represented the only two professions in the colony which included educated men. These men were soon replaced by the Board of Overseers, which itself consisted of the colony's magistrates and ministers, (teaching elders). The overseers held final authority over the college, and were given that trust by and for the public.

It was at that point, in 1642, when the original Board of Overseers of Harvard College was established that the uniquely American system of higher education governance was born. For the governing board of America's first (and in that respect most influential) institution of higher learning was not composed of teaching Masters, nor was it even influenced by these Masters. Harvard College was firmly and securely put under the direction of an outside Board composed of prominent citizens. Of even greater importance, however, was the beginning of a conceptual shift away from the "learning for learning's sake" notion. The College in Massachusetts Bay, like the host of colleges which were to spring up all across the continent in the coming years, was established to serve a need. That need, generally, was for educated men in the colony. Specifically, the need was for clergy, magistrates and civil servants (who were necessary to make the colony function smoothly). Consequently, the

original American colleges were functional by purpose and design.[2] They were controlled by community representatives charged with the responsibility of ensuring that the institutions produced the required personnel.

This functional approach was augmented further by the fact that only two institutions existed in colonial America which were financially capable of establishing an institution of higher learning, and both of these institutions needed educated men. The attitude, then, of the church and the State, was more that of concerned investors than disinterested contributors. Speaking of this investment, the educational historian Federick Rudolph explains that there was "nothing so certain, nothing so regular, nothing so generous as the aid that flowed into Cambridge, Williamsburg and New Haven where what were generally thought of as State-church institutions had taken shape.[3]

Internal pressures ultimately forced many colonial colleges such as William and Mary and Harvard to create secondary internally constituted bodies known as the Corporations for minor governance purposes. The Corporations had a limited membership of faculty/administration and whatever duties and responsibilities they had were delegated them by the governing boards. There should be no mistake, however, that while the governing boards occasionally gave the faculty corporations extensive latitude, final authority rested with the boards themselves.[4]

3. Post Colonial Development

By the time the American Revoluntionary War came about the general governance pattern of American colleges had already been established for at least two centuries to come. Institutions of higher learning were seen as a means for providing society with a cadre of skilled personnel, and as interests in society needed personnel they would either establish a college or contribute to a college in return for institutional training support. Eventually, all of these major societal interests found

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[2]Hofstadter, page 133.

[3]Federick Rudolph, The American College and University and History, page 16. Knopf Press, New York, New York, 1962.

[4]nd Kent, Higher Education in America, page 606. Ginnanel Company, New York, New York, 1930.

their way to the collegiate governing board. Commenting on these principal supporters of higher education, Hofstadter says that "the church, the State and businessmen have all been, by their lights, quite generous in providing support for higher education, but the prevailing lack of respect in America for culture as an end in itself has given them a license for looking to education for a quid pro quo."[5] Hofstadter goes on to observe: "In this atmosphere it has been natural to those who have supported education--fortunately not for all of them--to expect to have control in return for support."[6]

The development of American society and higher education since the Revolution has largely served to strengthen this governance approach. Immediately after the Revoluntionary War, for example, and continuing through the nineteenth century, the American college was seen as a means whereby one could increase his income and status. "It was," in other words, "being recognized as a means of getting ahead, not just as a means of registering that one's father had."[7] This phenomenon put even more pressure on the new State legislatures to expand the availability of college education and just as important, to keep its control in the hands of a group responsible to the public.

The industrial revolution and the physical expansion of American territory put additional strains on both industry and government to find educated men. These interests in turn increased their investment in and control over higher education in expectation of increased personnel. Finally, the technological revolution of this century has served the same function, for both industry and government, as did the industrial revolution of the last century.

B. The Contemporary Governance Board

One of the most unexplored areas of higher education in America has been--and continues to be--university governing boards. From sparse data that is available, it is possible to ascertain only a few characteristics which run consistently

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[5]Hofstadter, page 123.

[6] , page 133.

[7]Rudolph, page 36.

throughout most boards. We have selected three areas which, taken together, are the most important in examining governing boards. These areas are as follows:

* who the members of these governing boards are and where have they come from;

* how (in what manner) the governing boards organize themselves and operate;

* what the responsibilities and authorities of the governing boards are.

1. Composition

As was indicated earlier, one of the principal characteristics of the governing board of a typical American institution of higher learning is its external composition. The nature of most governing boards is such that, in theory at least, its members are trustees of the public interest and exist to ensure that the institution serves the public good. That is, with little question, the single most important characteristic of board members. Many different types of "public representatives have been appointed to boards and a few studies have been made to learn something about these men and women."[8]

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[8]These studies include:

Hubert Park Beck's study of 734 college trustees from 30 institutions. The report, which covered the 1934-1935 academic year, was entitled Men Who Control Our Universities.

The New York State Regents Advisory Committee on Educational Leadership's report to the Regents entitled College and University Trusteeship. The report, which studied 1385 trustees of all 167 schools in New York, is dated 1966.

Morton Rauh's 1969 study of 5,180 trustees from 506 colleges and universities entitled The Trusteeship of Colleges and Universities.

August Eberle's 1969 study of 1769 governing boards for the School of Education of Indiana University.

The Association of Governing Boards' 1971 survey of 758 institutions and boards.

The first and most notable characteristic is probably their sex. Beck's 1934 study of 30 prestigious private governing boards found that 96.6% of the trustees were men,[9] while the New York State Regents' study found thirty years later that in New York that figure had dropped fifteen percentage points to 81%.[10] More recently and extensively, however, Eberle found in 1969 that in the 1769 public and private governing boards he examined, men constituted 89.1% of the total membership,[11] while Rauh put that figure at 86%.[12] It becomes clear, then, that most members of collegiate governing boards are men.

The second noteworthy characteristic of governing board members is their racial complexion. To say that there is a scarcity of information on this subject would be an understatement. The only significant research done in this area appears to have come from the Rauh/E.T.S. report of 1969. In that survey, Rauh found that 96% of the 5,200 trustees examined were white,[13] while less than 2% were black.[14] Because of the dearth of hard data on this subject, it is difficult to come to any conclusion, particularly since the Rauh survey is now

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[9]Hubert Park Beck, Men Who Control Our Universities, page 93. Kings Crown Press, Morningside Heights, New York, 1947.

[10]New York State Regents Advisory Committee on Educational Leadership, (New York State Department of Education, Albany, New York, 1966), page 20.

[11]Ray Allen Muston, Policy Boards and Student Participation, (Doctoral Dissertation submitted to School of Education of Indiana University in June, 1970), page 52.

[12]Morton A. Rauh, The Trusteeship of Colleges and Universities. McGraw Hill, New York, 1969.

[13]Rauh, page 88.

[14]Rauh, page 171.

almost four years old. It is, however, safe to conclude from available evidence that the overwhelming majority of collegiate trustees are white.

Age is the next characteristic which notably marks the college trustee. Beck found, in 1934, that 4% of the trustees he surveyed were under 40 years old,[15] and Rauh found in 1968 that 5% were under 40.[16] Both Eberle and the New York State Regents corroborate that figure by placing it at 7.5%[17] and 3%[18] respectively. Similarly, all significant studies of trustees have concluded that approximately 80%-90% of trustees fall between the ages of 40 and 70 and that between 60% and 70% fall between the ages of 50 and 70. This latter group of 50-70 year olds (which constitutes around two-thirds of all trustees) seems to be evenly divided between the 50-60 year olds and the 60-70 year olds. Finally, all surveys place the percentage of trustees over 70 years old at between 10% and 15%.

The final characteristic of college trustees which will be examined deals with their income bracket. Both Eberle and Rauh studied the incomes of college trustees, although their conclusions were by no means complete. Eberle, for example, found that 53% of the trustees he surveyed made over $20,000 annually while Rauh put that figure at 70%. Both agree, however, that collegiate trustees earn between $30,000 and $70,000 per year. In

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[15]Beck, page 85.

[16]Rauh, page 88.

[17]Eberle's study concluded that 1770 out of 23,556 trustees surveyed were under 40.

[18]New York State Regents, page 19.

[19]Muston, page 62.

[20]Rauh, page 92.

comparison, Beck concluded in 1934 that:

> Comparisons with the general income level in the country provide valuable perspective. The average income of those trustees with known taxable incomes, is $102,000 and the average salary of others with known salaries is $35,000. All trustees substantially exceed the average income of $1,563 for all gainful workers in 1924.[21]

These four characteristics (sex, race, age and income) provide us with a rough demographic profile of the average college trustee, and in that respect help to tell us more about who--from outside the institution--is chosen to represent society and the public trust which the college trustee holds. That trustee, in all likelihood, will be male (by at least an 8 to 2 margin), will be over 40 years old (by at least a 9 to 1 margin), will be white (by at least a 9 to 1 margin) and will earn over $20,000 per year (by at least a 2 to 1 margin).

2. How a Board of Trustees is Organized

"The trustees of a college," says Charles Thwing in his classic review of American higher education,"are its legislature and supreme court. They represent and are its soverign power. Even if this power, in extreme instances be as seldom exercised as the veto power of the King of England, yet that power is constant and ultimate."[22] (Thwing has a clear grasp of what the responsibilities of a collegiate governing board are and, for all practical purposes, they are "supreme.")

A typical university charter, in dealing with institutional governance, says of the board that the trustees "and their successors, shall forever hereafter have full power and authority to direct and prescribe the course of study and the discipline to be observed in the said college, and also to select and appoint by ballot or otherwise a president of the said college, who shall hold his office during good behavior; and such professor or professors, tutor or tutors, to assist the president in the government and education of the students belonging to the said college and such other officer or officers,

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[21] Beck, page 68.

[22] les Franklin Thwing, The American College, page 26. Platt and Peck Company, New York, 1914.

as to the said trustees shall seem meet, all of whom shall hold their offices during the pleasure of the trustees. That said trustees and their successors shall have full power and authority to make all ordinances and by-laws which to them shall seem expedient for carrying into effect the designs of their institution."[23] In this way, the legal supremacy of the board is protected not only from internal pressures--such as have been seen over the past several years--but also from external pressures--as the 1819 Darmouth Decision* of the Supreme Court was to establish.

Given this overwhelming responsibility, and the nature of most board members, who are themselves deeply involved in their own livelihoods, most governing boards have developed two organizational approaches which should be understood.

Internal Organization

The first deals with the body's internal organization. This internal organization is principally characterized by the delegation of authority. The governing board's authority is delegated to an executive committee, a finance committee, an education committee, a building committee and any other sub-group of the board which will handle its affairs with some degree of competence. In this way, the actual legislative work of the board is in fact carried on by any of a number of committees, whose direction is generally set by an executive committee.

John Coroon, when he studied campus governance patterns in 1959, concluded that "the majority of boards operate through an executive or similar committee which keeps in active communication with the president and serves for the board between regular meetings."[24] This contention

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[23]The Charter of Columbia University.

*The New Hampshire Legislature attempted to exert control over Darmouth College and was struck down by the courts.

[24]John J. Coroon, Governance of Colleges and Universities, page 51. McGraw-Hill, New York, 1960.

is born out by both the New York State Regents and Eberle's study which indicate that 60%-70% of governing boards rely largely on their executive committees, which in themselves meet almost twice as frequently as does the full board.

Beyond the all-important executive committee, most boards (75% according to Eberle) also make considerable use of functionally oriented standing committees.* Rauh notes that "while the names of these committees are legion, the most commonly used designations are: executive, finance, curriculum, buildings and grounds,"[25] while the Eberle study indicates that the most common are facilities (building), development (fund raising), finance (budget), and curriculum (academic).** In most cases these board committees carry on the actual operations of the board by linking up board members with a particular field of competence or interest.

The organization of most governing boards makes it possible for the members to meet infrequently. The New York State Regents found that most boards (72%) met either two, three, or four times a year at an average length of between one and four hours, with a majority meeting for less than two hours.*** Eberle found a significant number of institutions which also met for a full day once a year.**** In most cases, however, it seems fairly safe to conclude that a typical governing board will meet for not much more than eight

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*August W. Eberle.

[25]Rauh, College and University Trusteeship, page 72.

**Ibid.

***New York Study Regents Study.

****Eberle.

hours per year. This, of course, includes neither informal related meetings nor committee meetings.

External Organization

The second organizational approach which most boards take is in terms of their external orientation: that is towards the institution. Once again, this approach is very largely characterized by the delegation of authority. Authority, in this external sense, is represented principally by the institution's president. A brief bit of history is probably necessary to understand how this second collegiate institution came to be, what it is, and where it is going.

When the early colonial colleges began developing in the late 17th and early 18th centuries, they were supported by largely uneducated and lean colonies. These two handicaps gave rise to the use of tutors (young men who had received their bachelor's degrees in England and who taught in the colonies for three years in order to receive their master's degrees) as the teaching staff and young men (not yet old enought to work) as the student body. The collegiate community, in contrast to the government board and the president which the board selected, was considerably younger, less mature and less economically stable. For this reason, along with the basically functional foundations of American higher education, the governing boards--in designing their colleges--tended to delegate most authority to the president as opposed to the faculty or students.[26] In this way, the American college president became, not the European first among (faculty) equals, but rather the American corporate representative of the board of control. Hence we can see how the development of the American college presidency is directly tied to the development of the board of trustees.

From this unique relationship between the governing board and the president rose an overwhelming tendency by the trustees, who generally were absent from collegiate affairs for all but a few hours each year, to entrust the operation of the institution to the man they selected

[26]Federick Rudolph, page 168.

as president. As a result, the contemporary governing board delegates nearly all its authority between meetings to its full-time campus representative, the president.

Raymond Hughes, in his Manual for Trustees, capsulizes the role of a president by stating that "he is finally responsible for everything concerning the institution and for the effective and economical operation of all departments. He is the chief adjustor of all difficulties which are brought to his office. He is the board in their absence."[27] Both Eberle and the New York State Regents' study corroborate Hughes' opinion in such important operational areas as, for example, the preparation of the agenda. Eberle found that in 80% of the boards examined, the president prepared the board's agenda, while the Regents' study put that figure at a somewhat lower 61%.* Of even greater significance, however, was Eberle's finding that in over 90% of the 1,800 boards surveyed, the institution's president was the sole administrative officer of the board.**

It should come as no surprise, then, to find--as did the New York State Regents--that over 55% of the trustees surveyed believed that their board meetings were "formal affairs for official approval of matters previously worked out."*** With the board delegating the largest part of its authority to the president, and most of what remains to its own executive and standing committees, its operational nature must be characterized as delegatory.

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[27]Raymond Hughes, A Manual for Trustees, page 13. Collegiate Press, Ames, Iowa, 1944.

*New York State Regents' Study and Eberle.

**Eberle.

**New York State Regents' Study.

3. The Responsibilities of a Board of Trustees

Given the delegatory approach which most boards of trustees use, what responsibilities does a collegiate governing board itself have? What, in other words, are the principal functions of the board in its actual operations?

Since the institution's president is to be the largest single recipient of the board's delegated authority, the selection of that person then becomes a board's prime responsibility. "Routinely," reports the 1971 ERIC survey, "the literature on trustees describes the duty to select the president as the most important function of the governing board."[28] It is, in many ways, one of the very few authorities which a board cannot delegate to the president.

The second major responsibility which the board holds, and cannot delegate, is a responsibility "for the acquisition, conservation and management of the university's funds and properties."[29] As the trustees of the institution's holdings, the board members have a direct and unavoidable accountability for the continued financial viability of the college. This, from all reports, is a function which most trustees take very seriously. It is the reason why Eberle's study reports that the three most common board committees are facilities, development and finance, and why the New York State Regents found that 87% of the trustees polled considered fund raising and the acquisition of property and facilities their most important function.

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[28] Currents 71 from the ERIC Clearinghouse on Higer Education, No. 3, June, 1971, page 2. George Washington University, Washington, D. C.

[29] John J. Coroon, Governance of Colleges and Universities, page 53. McGraw-Hill, New York, 1960.

These two functions, the selection of a president and the maintenance of the institution's fiscal viability, clearly constitute the major functions of the contemporary governing board. While other areas, such as educational policy, student affairs, and personnel selection frequently do come to a board's attention, the governing body will typically rely on the university president's advice in dealing with them. It is worth noting, however, that occasionally a board will itself deal with educational, personnel, or student problems. In these instances, it is generally the result of significant public or alumni pressure and is rarely done without the complete advice and consent of the president.

II

THE NATURE OF STUDENT PARTICIPATION IN THE GOVERNANCE OF HIGHER EDUCATION

Over the past ten years, many people have written on the subject of student participation in campus governance. It has been a subject debated and acted upon by student senates, university senates, State senates and the U.S. Senate.* The notion has been examined by educators, politicians, psychologists, sociologists, anthropologists, economists, students, attorneys, journalists, and historians. The question exploded into national attention in 1964 when student activists began openly mobilizing for their inclusion in the decision-making process of higher education, and has continued to receive public attention since that time. No single report or survey could hope to cover all that has happened in the area, and most that have tried have been dismal failures. This has frequently been the case because the authors of such reviews have frequently overlooked the fundamental fact that one's perception of the role of students in the governance of higher education very largely revolves around one's perception of higher education itself. It is important, at the outset of our examination of this question, then, to understand what the major widespread perceptions of higher education are, for they will serve as basic value referents in our later examination of activities in this field.

A. The Community of Masters Approach to Higher Education

1. European Origins

The first, and probably the oldest, perception of higher education is that which we will call the "Community of Masters" approach. This approach, which we examined earlier in this report, is not the dominant American approach and is much more directly tied to European higher education. The Masters approach is significant, however, for it represents the thinking of a significant number of faculty across the nation today. This approach is perhaps best represented by Harry Brooks, the President of the American Academy of Arts and Sciences, who has written that "the legislative body of a university is its faculty, or faculty senate, and it is there that the question of 'representation' is germane."[30] This view of

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* See Title XII of the Senate Version of S.659, Document P-1.

30. Page two of a letter to Mr. Stanley B. Thomas, Jr., dated July 19, 1972.

higher education basically sees the institution as community of professors who are professionals working together as a cooperative body. Real governance, then, should take place among these professionals with such details as finance and building left to administrators and boards of competence.

2. Faculty Dominance

Student participation in campus governance is clearly alien to such an approach, for students have - by their nature - none of the qualities which distinguish a faculty member. They have no credentials or expertise in a profession. Students, in the Master's approach, generally should be concerned with learning, and more explicitly with learning their subjects. "By a thousand year old tradition," says Arthur Bestor, "spelled out in the charters, statutes, constitutions and codes governing most of the major universities of the world, the power of final decision on issues of this sort has been placed squarely in the hands of those who have undergone the professional training prerequisite to responsible teaching and research and who have committed themselves to careers in the advancement and dissemination of knowledge. This power of decision is not a privilege but a trust, and faculties are morally accountable to society for the wisdom with which they act." Faculty, in this view, hold "the ultimate power and responsibility for upholding the intellectual integrity of the university."[31] This, then, is a power which they should not and cannot share with students.

B. The Educational Corporation Approach

The second, and most widespread, approach to the question of a university's nature in America is that view which says that an institution of higher education "is essentially an educational enterprise, organized and run by the trustees, administration, and faculty."[32] This approach, the dominant American perception of higher education, has never been crystalized, and can never be. It holds only three precepts sacred,

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31. Arthur Bestor, The Role of Students in the Making of Academic Policy, (Measure Magazine University Centers for Rational Alternatives, New York, New York) October 1971 Page 1.

John R. McDonough, "The Role of Students in Governing" A.G.B. Reports (Vol. 10 No. 7, April 1968), page 24.

and these three in many ways enable the institution to continue functioning: first, that the governing board as the trustee of the institution and the protector of the public interest has the ultimate legitimacy to represent and govern the institution; second, that the governing board's representative - the president - shall act in the board's absence and speak for its wishes; and third, that the president shall assemble a staff directly responsible to him for the necessary operation of the institution according to his and the board's wishes. Such a view of the institution generally holds that "It is the business of the student to attend college to learn. The teacher's job is to teach; the administrators duty is to administer and carry out the policies of the trustees."[33] Each segment of the university, then, has "a clearly defined function"[34] and only the trustees have a governance function. "A campus," says J. L. Zwingle, "is a special - purpose enterprise which nevertheless depends for its success on the effective collaboration of the senior and junior members of the community."[35] And it is because of this expedience factor that student participation can fit into the predominant American approach to campus governance.

3. Why the Educational Corporation Approach May Promote Student Participation

The Educational Corporation approach to higher education, because it has evolved as a hybrid of both the community of masters (Oxford College) and the students as consumers (Bologna) approaches, contains some of the characteristics of each. It is an approach to higher education which is

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33. Letter to Stanley B. Thomas, Jr., from Mr. Jeck Snider, Executive Director of the Mid-Appalachia College Council, dated July 21, 1972.

34. Letter to Stanley B. Thomas, Jr., from Mr. William Lovell, Executive Director of the Department of Higher Education of the National Council of Churches of Christ, dated August 9, 1972.

35. Letter to Stanley B. Thomas, Jr., from Mr. J. L. Zwingle, Executive Director of the Association of Governing Boards, dated July 19, 1972.

so vast and so encompassing that some parts of it can promote student participation while others prohibit it. To recognize, however, that one segment of the Educational Corporate approach could support student participation while another would oppose it, is not to say that the approach is self-contradictory - only that it is so vast and so complex that it contains many different forms of the single approach. We will now examine four reasons why the Educational Corporate approach may promote student participation.

(a) The Preemption of Student Discontent and Disruption

The 1960's saw the greatest quantitative and qualitative growth of higher education in American history. It also saw the emergence of student activism and militancy of many forms.* This modern student activism had educational, social, psychological and political roots and found expression in student activities ranging from building take-overs to picket lines. It is not the purpose of this report to examine this period of student activism as much as one of the effects which it has brought about.

Different institutions responded in different ways to such student activism; however, for our purposes the colleges' responses can be put into three categories. Some colleges and universities, in an attempt to respond to and/or prevent student disruptions of their activity: (a) brought students into the decision-making structure of the institution; (b) regulated and repressed student activities in general, and/or (c) acceded to the proposals and demands which student activists put forward. It is the first of these three ways of dealing with student activism that we are here concerned with.

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* See II; B;5; The Use of the Governance Structure as a Political Tool.

"Student participation in governance" according to Garry Walz, "would lead them /students/ to feel that they could work through existing sources of policy and decision-making to alternative methods of education by working within the system, rather than feeling the need to develop educational systems in opposition to the present one."[36] The American Association of School Administrators similarly feels that "such programs /of student participation/ are the schools' most appropriate response to the pervasive possibility of disruption."[37] This call for student involvement in institutional governance, which is fundamentally a measure of expediency, clearly remains within the dominant American approach to higher education.

(b) The Competence Which Students Sometimes Bring

Others reason that student participation should be promoted within the American "corporate" governance approach because students may bring competence and abilities to the governance process which might not otherwise be there. Paul Young, for example, explains that he has "participated in situations where students have served very effectively as members of governing boards of institutions of higher education" and that "much of this effectiveness has been in the area of communications of ideas and concerns."[38] Underlying this view is, of course, the goal of most effectively and expeditiously governing the institution. The President of the National Association of Student Personnel Administrators perhaps characterizes this best when he explains that "institutions will be administered more effectively if students are actively involved in the process of governance."[39] The key to understanding this approach is concern for effective administration of the institution.

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37. Resolution adopted by the American Association of School Administrators at its 1972 Convention.

38. Letter to Stanley B. Thomas, Jr., from Paul M. Young Executive Director of the Mid-America State Universities Association, dated July 18, 1972.

39. Letter to Stanley B. Thomas, Jr., from Thomas Dutton, President of the National Association of Student Personnel Administrators, dated July 24, 1972.

A slight variation of this same approach is that students have a unique perspective - as students - which they can bring to the governance process. This "student perspective" in most cases is a combination of the disinterested outsider (since students are not "experienced" educators and since they have been in contact with higher education for only a relatively short time) and the involved insider (since students are, in fact, involved in and affected by nearly all aspects of higher education.) It is a perspective which Harold Enarson calls "marvelously and wonderously refreshing" and "fresh as a spring breeze along the musty corridors of Academe."[40] Such student perspectives, to Ben Miller, "is a necessary complement to other input for sound and informed decision making," then, "is unique and can only be represented directly."[41]

(c) Psycho-Educational Value of Participation

A third reason for promoting student participation in governance popular among governing boards themselves is the psycho-educational value of that participation to students. "The primary purpose of student participation in college governance," according to this approach, "should be to teach responsibility and accountability by actual experience."[42] Lester Loomis, the Vice President and Treasurer of Brandeis University, supports this notion; in speaking of the students on his board, Loomis says "Student input has been helpful, but most of all the extra-curricular educational experience they have received is undoubtedly the most worthwhile by-product."[43]

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40. Harold Enarson; "Reform of University Government"; University Reform USA 1970; Robert J. Henle, S.J., Washington, D. C. 1970 page 24.

41. Letter to Stanley B. Thomas, Jr., from Ben F. Miller Secretary-Treasurer of the American Association of Dental Schools, dated July 31, 1972.

42. Student Life in State Colleges and Universities; a Report presented to the National Commission on the Future of State Colleges and Universities, October 1971, page 12.

Letter to Stanley B. Thomas, Jr., from Lester Loomis, Vice President and Treasurer of Brandeis University, dated July 14, 1972.

It is important that we understand this particular allowance of student participation within the Corporate Educational approach, for it is one of the two most commonly accepted by governing boards themselves. It is, above all else, a realistic approach which aims at the increased efficiency of the institution. "The realities of faculty power and of student power dictate the need," says John Corson in his widely-read Journal of Higher Education article "for a mechanism in which these two groups participate in the formulation of decisions."[44]

This approach, which generally finds support from administrators and board members, is frequently a rationale for the actual acceptance of campus and State political realities, where students are being appeased but no one wants to admit it. This appears to be the case since, when educators like Rev. C. W. Friedman say that "it is paramount that student involvement in management of a college or university be an educational experience,"[45] they rarely if ever indicate why. Why, for example, is such involvement educational, why must it be educational, why isn't involvement in administration equally educational? The "educational experience" allowance for student participation in governance is nowhere - in all of the literature and correspondence available on the subject - even partially explained. Educational experience, then, becomes not a reason for including students in the governance process but an advantageous by-product of that act.

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44. John J. Corson "The Modernization of the University: The Impact of Function on Governance" - The Journal of Higher Education (Vol. XLII, No. 6, June 1971), page 430.

45. Letter to Stanley B. Thomas, Jr., from Rev. C. W. Friedman, Vice-President for Higher Education of the National Catholic Educational Association, dated July 18, 1972.

A much more serious and direct form of the psycho-educational approach is that developed by Nevitt Sanford in the spring 1970 issue of the Educational Record. In that article, Sanford explains that the purpose of higher education is "to develop free men - men who can make their own decisions uninhibited by the importunities of external authority or their own impluses and judge the worthiness of authority."[46] The greatest educational task, for Sanford, is simple. It is "to liberate students from authoritarianism."[47] This is accomplished by giving students responsibility for their own lives and a solid experiential background in decision-making. This background of real (as opposed to academic) responsibility will - more than any other dynamic occuring in higher education - give these young adults the ability "to resist dogma and to give them practice in criticism"[48] and in that way strengthen our society.

This basically psychological reason for promoting student participation in campus goveranance has been very widely picked up by both sociologists and psychologists alike. Professor Gordon Lewis of Vermont, for example, builds on this theme in his December, 1971 article in the A.A.U.P. Bulletin when he describes how the twin goals of personal and intellectual maturity "can best be achieved in a system which allows the assumption of challenges and responsibilities commensurate with the students ever developing abilities to handle them."[49]

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46. Nevitt Sanford, "The Campus Crisis in Authority" Educational Record, Vol. 51, No. 2 spring 1970 page 112.

47. Ibid page 113

48. Ibid

49. Gordon F. Lewis, "The Slow Road to Student Liberation" A.A.U.P. Bulletin, Vol. 57, No. 4 December, 1971 page 16.

(d) The Political Reality of Students as Voters

Another significant reason for promoting student participation in campus governance has come about only within the past two years. It has, in addition, had its principal effect on the 808 State and 336 municipal colleges across our country. The passage in 1970 of the Twenty-sixth Amendment to the Constitution made students for the first time something more than a component of the educational community. To America's politicians and legislative policy-makers, it made these eight and one-half million people a "voting block." What's more, some people thought it made these eight and one-half million people one of the most informed, vocal and active voting blocks within our electorate. Since that time (and in many cases in anticipation of the student vote) there has been a veritable scramble on the part of local, State and national politicians to prove to these "new voters" that their representatives have students' best interests at heart. This is not unlike the same political phenomena which can be seen prior to any election when the candidates strain to prove to any and all "voting blocks" that their best interest will be represented by that candidate. This phenomena has been enhanced in its growth even further by the development of politically oriented student organizations. Some twenty-seven States currently have State-wide student organizations or student lobbies of some sort operating at their capital,[50] and these organizations have acted as a stimulus towards the State legislators and governors in a political sense. The same, needless to say, has been true of the over 100 city college systems.

Of even greater psychological importance to Lewis is the manner in which such student

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50. California, Colorado, Idaho, Kansas, Kentucky, Missouri, Ohio, Oregon, Texas, Virginia, Connecticut, Georgia, Illinois, Indiana, Maine, Mississippi, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, North Dakota, Maryland, Pennsylvania, Vermont, West Virginia

participation will "facilitate the student's attempt at identity consolidation."[51] This identity consolidation will take place in adolescents as they begin to see themselves serving a function, or playing a role, in their environment. That role can only evolve when and if students see themselves as active participants (i.e. not only decision receivers) but in their own environment. And that active role can only come about as students begin to receive and accept responsibility for and authority over their environment.

What is unique, in this case of student political salesmanship, is that in most cases, the municipal or State government has final authority over the institutions wherein these voters live. In other words, the "bread and butter" issue to students at State and municipal colleges is their relationship to that college. Local politicians have not missed the point. Governor Mandell of Maryland, Governor Francis Seargent of Massachusetts, Governor Milton Schapp of Pennsylvania, Governor John Gilligan of Ohio, Governor Wendell Ford of Kentucky, Governor Kenneth Curtis of Maine, Governor George Wallace of Alabama and Mayor John Lindsay of New York were among the first State political leaders to support the notion of student membership on the governing boards of their State higher educational systems. (See Document A-C) Many of these political figures, such as Wendell Ford and John Gilligan, made an issue of these policies during the campus segments of their campaigns, and many of them have followed through by appointing students to the boards of trustees and regents of their respective State schools.

This same trend has also been seen in many State legislatures. Statutory changes in the composition of the governing boards of the State's higher education system have been proposed in at least twelve States.

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51. Lewis, page 497.

Perhaps the most developed of these statutory changes has taken place in Kentucky, where students now sit as voting members on each of the governing boards of the eight State colleges. Originally, in 1968 when the Kentucky legislature approved S.B. 118, the student body president of each State college sat - as a nonvoting member - on his respective governing board. As of July 1st of thisvyear, that nonvoting status has changed and, once again due to a statutory revision of the laws, students sit as full voting members of each governing board. The reasons for this change, according to the Executive Director of the Kentucky Council on Public Higher Education Ted Gilbert, were fourfold: first, that student political activism and the mobilization of student votes went straight to home for most legislators; secondly, that the legislators did not want Kentucky system to be marred by student demonstrations and disturbances; thirdly, that some political leaders, interested in taking political advantage of the situation, had publicly supported the move; and fourthly, that there had been a general success with the nonvoting student members.[52] Sheryl Snyder, the former President of the Kentucky Student Association - the Statewide organization that lobbied the statutory change through the legislature - fundamentally agrees. According to Ms. Snyder, the hard lobbying of her organization along with the electoral power of the Kentucky student vote were responsible for the statutorv inclusion of students on the State boards of trustees. (See Document D 1-3)

"Young people," says noted authority on campus governance Harold Hodgkinson, "have become a genuine political force and have the right to representation in the centralized State and Federal offices that increasingly make a larger share of decisions that matter. In

52. Taken from a discussion between Roger Cochetti and Mr. Ted Gilbert, Executive Director of the Kentucky Council on Public Higher Education at the latter's office in Frankfurt, July 1972.

that such representatives might influence over 10 million voters under age 21, they probably would be worth listening to."[53]

4. Why the Educational Corporation Approach Prohibit Student Participation

Thus far, we have examined four major reasons why the dominant American approach to the governance of higher education can promote student participation in governance. It is important to remember, however, that this approach in most cases prevents such student participation. "All members of the universities," says the American Association of State Colleges and Universities, "must recognize that the ultimate power of decision has been vested by the governing board in the chief administrative officer."[54] We should now turn to the five basic reasons why the "Educational Corporation" approach may prevent student participation in campus governance.

(a) The Problem of Representativeness for Student Participants

The one question which has continuously plagued the notion of student participation in campus governance and which never has been absolutely answered has to do with the representative quality of the student participant. Is, for example, the student participant in the governance process a representative of his "constituency" with a direct loyalty and accountability to that group or is the student participant, by virtue of the fact that he deals with matters that transcend exclusive student interest, an independent quasi-objective participant

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53. Harold Hodgkinson "Student Participation in Governance." #3 Education Task Force Papers Prepared for the White House Conference on Youth (Center for Research and Development in Higher Education, University of California Berkeley, California 1971), page 53.

54. Student Freedoms and Responsibilities: A Working Paper, by the American Association of State Colleges and Universities, April 1969, Washington, D. C. page 12.

in the school's government with a transcendent loyalty and accountability to all segments of the school's community as well as to the public? There is, of course, no real answer to such a question. Just as there could be no real answer to the same question were it directed toward a city councilman, a State legislator or a U.S. congressman. For the question itself deals with a problem which is as old as is representative democracy: when one is elected by a group to represent that group, to what extent must the representative remain bound by popular (and frequently ill-informed) will and to what extent must he remain bound by his own informed conscience? Political philosophers have debated that very question for four thousand years. We shall not attempt to do so. Instead we will examine some of the characteristics which make that timeless question unique to higher education today and explore some of its ramifications in light of its tendency to obstruct student participation in institutional governance.

In many cases where student participation in campus governance is being considered and debated, it is taken for granted that the student participant(s) will bring to the governing body "an understanding of the educational needs and processes of a student community that might be unavailable in other ways."[55] That perspective makes the student participant a representative in the generic sense (that he will bring a student mentality to the governance process.) This perspective generally concludes that once the student mentality has been presented to the governing body, there is no further need for student input. A voice for student participants, in other words, but not a vote.

What is, however, most disturbing to those holding the educational corporate approach

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55. Letter to Stanley B. Thomas, Jr., from Jesse H. Zeigler, Executive Director of the American Association of Theological Schools, dated August 1, 1972.

is the student selected (or elected) to participate in the governance process who maintains an explicit (as opposed to the generic) representative quality. Speaking of the students on the Miami University Council, Charles Heimsch states that "their function has been characterized by block voting and grinding axes that are of questionable propriety."[56] Student input of this kind is widely rejected as being little more than a power play led by student political bosses. If a student participant, in this respect, "represented more than himself or his student subculture"[57] his input would be more widely welcomed.

The matter is put even more explicityly by Roger Heynes, when he explains that "Board members are not, by and large, expected to represent constituencies. It is impossible for a student to do so consistently over a large number of issues, without being instructed by vote. Instructed members run counter to the ethos of these boards."[58] Mr. Heynes' sentiments are widely held by governing board members and administrators alike. They are, for example, reflected by Allan W. Ostar, who suggests that "Persons who represent special interest groups frequently find, however, that full membership on governing boards demands new loyalties and responsibilities that mitigate against effective presentation of their particular position."[59] Clearly then, this approach

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56. Letter to Stan Thomas from Charles Heimsch, President of the Botanical Society of America, dated July 25, 1972.

57. Letter to Stan Thomas from Donald P. Hoyt, Director of Educational Resources of Kansas State University, dated July 17, 1972.

58. Letter to Stan Thomas from Roger Heynes, President of the American Council on Education dated July 18, 1972.

59. Letter to Stan Thomas from Allan W. Ostar, Executive Director of the American Association of State Colleges and Universities, dated July 17, 1972.

to governance cannot accept student representatives in the governance process either because as generic representatives they have no need for more than speaking privileges or as explicit representatives they run counter to the nature of a governing board.

(b) Lack of Expertise of Student Participants

The second reason why the Educational Corporation approach may prevent student participation is that students, and their "representatives," simply do not have the background and knowledge necessary to participate in the governance process. "Students," says Northeastern University President Asa S. Knowles, "are generally not in a position to make any significant contributions to the governance of a college or university." "Boards of Trustees," explains Mr. Knowles, "generally exercise broad control over legal matters, the provision of adequate funds, the management of the university's finances and resources, and the establishment of policies and goals which govern the operation of the college or university. Certainly these are not areas in which students have expertise."[60] President Knowles' thinking on this subject is representative of a large segment of those accepting the educational corporation approach to higher education, for he raises questions about the intrinsic value of student participants. The value of a board member, in this respect, is based largely upon the experience, knowledge and expertise which he would bring to that body. Such men as Mr. R. Lohmann have concluded that "students do not have either experience, knowledge or expertise that is pertinent to the problems facing boards of trustees and, therefore, cannot make a significant contribution."[61]

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60. Letter to Senator Fred Harris from Asa S. Knowles, President of Northeastern University, dated May 22, 1972. (Released with permission of Senator Harris's office.)

Letter to Stan Thomas from Mr. M. R. Lohmann, President of the Engineers Council for Professional Development, dated July 17, 1972.

The qualifications which persons, using this reasoning, define for governing board membership are professional in character and frequently very high. They result, and have resulted, in the selection of governing board members of considerable professional success. This professional competency test (in which students fail to have the requisite expertise) must, however, be considered a deviation from the principal public guardianship theme of governing boards. For if a trustee is chosen for "the contribution that the nominee is in a position to make, largely because of special experience in some relevant area of activity,"[62] what then becomes of the public interest-minded governing board? Without examining the question of whether students (law students, business students, architecture students, etc.) would in fact bring expertise to a governing board, it is safe to conclude that this approach, while it does not conflict directly with the dominant American approach, represents a significant variation of the "public trust principle" by putting primary membership consideration on professional competence as opposed to public character and civic interest.

(c) The Conflict of Interest of Student Participants

A third major reason within the educational corporation framework which obstructs participation is that which sees such involvement as a conflict of interest. The problem is indeed a serious one, the more so since it has been ruled in two States[63] that student membership on the boards of trustees of State universities constitutes a legal conflict of interest. (A similar case is currently developing in Wisconsin which may very well evolve into a major legal battle.)

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62. Letter to Stanley Thomas from Michael H. Cardozo, Executive Director of the Association of American Law Schools, dated July 20, 1972.

63. Michigan and New Mexico.

Various interpretations and explanations for the conflict of interest reasoning have been put forward. Father James Skehan, for example, describes a situation in which "a student trustee in the same institution will inevitably be concerned not only with developing institutional policy but will get involved where he has no business; namely in the operational aspects of the university or college which is not the function of the trustees."64 It is clear, from Fr. Skehan's comments as well as those of many other educators, that there is considerable apprehension over the degree to which a student trustee could detach himself from the operations of an institution which in many ways governs his life.

In order to better understand the nature of this reasoning of student participation, a survey was undertaken in August, 1972 of the seventeen governing boards of the Kentucky and Pennsylvania college systems. The Office of Youth and Student Affairs Survey of Kentucky and Pennsylvania Trustees polled 169 trustees of 17 governing boards. On an average, 54% of the members of each board responded. (The Pennsylvania and Kentucky State systems were used in the sample because they both have a variety of school-types within them as well as a broad demographic and geographic diversity between them. Most importantly, student participate on all of these governing boards.) Each of the seventeen governing boards polled, which ranged in size from seven to nineteen trustees, has had at least three years experience with student trustees.

Question number seven of the survey asks the trustee: "From your experience with students on your board, has their position as both members of the school's community and members of its governing board put them into a conflict of interest?" Sixty-four

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64. Letter to Stan Thomas from James W. Skehan, S. J., President of the National Association of Geology Teachers, dated July 19, 1972.

percent of the participating trustees felt that a conflict of interest did not exist and eight percent did not care to express an opinion. Twenty-eight percent, on the other hand, felt that from their own experiences students were put in a conflict of interest by serving on the board.*

It is important at this point that we examine closely the issues involved in such a conflict of interest approach to student participation, for they will tell us much about the nature of the actual problem. A conflict of interest is defined as a "conflict between one's obligation to the public good and one's self interest" and indeed it is precisely this tension between the student's own concern for advancing through his or her college and the student's concern for advancing society's interests that many of the trustees in our survey referred to. That a conflict of interest might arise, however, is rarely (if ever) adequate grounds for excluding someone from board membership in toto. According to a 1971 study of fifty-five governing boards, for example, twenty percent of the trustees examined were either directors of or officers in a corporation whose stock was held by their respective college.[65] The possibility

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* The figure of 28% is interesting because most (72%) of these sentiments were concentrated in six schools of the 17 schools surveyed. On those campuses there had been significant student government administration disputes over the previous year. In one case where the student body president was simultaneously sitting on the board and presenting a civil suit against the institution, for example, five of the seven responding trustees indicated that a conflict of interest exists for students on the board.

65. Lee Stevenson, Behind Closed Doors, a study conducted for the Project on Corporate Responsibility; Washington, D. C., 1971 page 23.

of a conflict of interest arising in those cases is apparent. In most cases, if a potential conflict of interest arises, the concerned board member simply absents himself from the group's deliberation and decision. This is an entirely honorable solution to a very sticky problem which may develop in the governance of any organization. One would expect, then, that student board members, like any other reasonable board members in a conflict of interest, would simply absent themselves from the body's deliberations at the appropriate times.

Ninety-two percent of those board members who felt that students were in a conflict of interest by serving on the board felt that students did not absent themselves from such deliberations and decisions. This group of trustees, representing twenty-six percent of the total sample taken in the OYSA survey, present a serious argument against the idea of student participation in collegiate governing boards.

For this reason, we shall examine in greater depth the issue of student conflict of interest. One trustee from California State College of Pennsylvania, a liberal arts college of 6,000 students, explains that "they /the student trustees/ cannot determine whether their loyalty is to the State or to the student body."[66]

That trustees' sentiments are corroborated by a trustee from Edinboro College of Pennsylvania who simply states that "their /the student trustees'/ intent to be spokesmen for the student body sometimes overshadows their concern for the common good of the institution."[67] Still another trustee from Northern Kentucky State College laments that "they tend to be too concerned with peer group approval, tend to be arrogant and self rightous; distrust older members."[68] The classic case, however, was probably best stated by

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66. Office of Youth and Student Affairs Survey of Kentucky and Pennsylvania Trustees.

67. Ibid.

68. Ibid.

a trustee from Western Kentucky University /where all of the trustees responding agreed that a conflict of interest does exist for the student on their board/:

> In a legal action initiated by the Associated Student Government vs Board of Regents the President of Associated Students serving as student member of the Board of Regents was in the unique position of suing herself.

The comments of each of the W.K.U. trustees similarly reflect their concern about the litigation.

In the end, there is no answer or solution to the conflict of interest approach to student participation in campus governance, for it strikes at the heart of two unanswerable questions. First, whether the student participant should act as a student representative in the explicit sense or in the generic sense; and second, whether the student participant will be responsible enough to absent him or herself from board deliberations when a conflict arises. Perhaps the best summary of the entire issue came from a Shippensburg State College trustee who simply stated that "I am sure this will happen from time to time."[69] Finally, we should again make clear that for every trustee who saw an unexcused conflict of interest in the student trustee's performance, two did not.

(d) The Immaturity of Student Participants

When, in 1642, the General Court of the Massachusetts Bay Colony created the Overseers of Harvard College they determined that the students attending their school were too immature to participate in the governance of America's first postsecondary school.[70] The legacy of that decision has remained

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69. Ibid.

70. Thwing, page 73.

with the governance of American higher education for all 230 years of its existence. The student immaturity approach, within the context of the educational corporation view of higher learning is, in that respect, at once the oldest and most contemporary of the issues which this report will deal with. When asked the question "In your opinion, are the students at your institution mature enough to participate directly in the institutional decision-making process?" for example, twenty percent of the OYSA survey respondents replied "no."

"Immaturity," says James Bemis "seems to be more of a liability than an asset to the student board member."[71] His sentiments are reflected in those of Merle Strong who, in speaking of student participation in governing boards, indicates that a "lack of maturity may also be a problem in some cases."[72] The comments of some of the eighteen trustees who felt that students at their school were not mature enough to participate in governance will tell us more about what they mean by immaturity.

"Some of them [the students], " says an Edinboro State College trustee "damage property. All but a few scatter litter on campus. Most lack judgment, and are incapable of impartiality in administration-student relations."[73] An Indiana University trustee agrees and points out that "their philosophy of our way of life is not mature. They never have earned a livelihood by working. They do not comprehend the value of money."[74]

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71. Letter to Stan Thomas from James F. Bemis, Executive Director Northwest Association of Secondary and Higher Schools, dated July 10, 1972.

72. Letter to Stan Thomas from Merle E. Strong, President of the National Association of Industrial and Technical Teacher Educators, August 4, 1972.

73. Office of Youth and Student Affairs Survey of Kentucky and Pennsylvania Trustees.

74. Ibid.

When the trustees were asked whether they thought that students came to board meetings well prepared, for example, eighty percent felt that student trustees were well prepared and only ten percent felt that they were not. Most of the trustees who felt that students were too immature to participate in governance, at the same time recognized that student trustees were well prepared.

Finally, when the Kentucky-Pennsylvania trustees were asked to evaluate the overall performance of student trustees on a scale of one to ten, they rated these students an average of seven. This figure was a full point lower than trustees rated themselves (7.0876 for students as opposed to 8.9379 for the trustees themselves), but less than a half point lower than their composite evaluation of the entire board (7.6666). Fifty-nine percent of these same trustees felt that students performed as well as or better than they themselves did on the board, while fifty-eight percent felt that students performed as well as or better than the entire board. All of these indicate a substantial feeling by board members that students performed as well - on boards - as most other members and in some instances much better.

5. The Use of the Governance Structure As a Political Tool

Before concluding our examination of the dominant American approach to higher education, we should briefly review one aspect of that view which has a direct relationship to the question of student participation in governance. That aspect is the socio-political impact which higher education has on our society. John Ronsvalle, the founder of the National Governance Clearinghouse of the University of Illinois, feels that student participation in campus governance is the most important mechanism available for turning our society and nation around.[75] The idea that the

75. From an interview with Mr. John Ronsvalle on July 12, 1972, at his residence in Champagne, Illinois.

university, and its governance process, should be made to serve the interests of society is not a new one. In fact it lies at the heart of the educational corporation approach to higher education. Earl McGrath explains that "students were not the first to make the purposes and functions of the university directly relevant to the life of society."[76] Interest groups, whether they have represented business, science, religion, political parties and movement or simple power blocks, have consistently attempted to gain control of higher education. In so doing, these interest groups have always maintained that it was being done for the good of society, whose interest they had uppermost in their mind. Morton Rauh's trustee student concludes that the banking and business interests have gained control of American higher education, and it is this locus of control which he believes students object to.[77]

Student participation in campus governance, according to those who would argue from the political tool perspective, then becomes a part of a massive wrestling match between those who currently dominate governing boards and other political groups which are attempting to gain some (or all) control. Susan S. Lloyd-Jones, a past editor of the College Press Service speaks for this position:

> American universities are integral parts - intellectual service stations - of a social order that is vicious, racist, war-like, authoritarian, immoral and incompetent. America today is the highest development of some of the human race's most serious mistakes: the attempt to conquer, or at least severly maim, nature; his desire to control and exploit rather than understand, man's nature; that queer creation of the Renaissance, the secular national State; the development of killing for

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76. From a speech delivered by Earl J. McGrath, Director of the Higher Education Center of Temple University, to the Seventeenth Student Conference on National Affairs; College Station, Texas, February 17, 1972.

7 rom an interview with Morton Rauh on July 10, 1972 at is office in Antioch College of Yellow Springs, Ohio.

sport; the submission of the social information system to commercial whims.[78]

Robert Birnbaum and Jean-Louis D'Heilly undertook a survey of twenty-nine student (young) trustees to find out what differences these young trustees would bring to a board. Their conclusion was that "the most significant differences between young trustees and all trustees appear to be in their political affiliation and ideology. The young trustee runs counter to past trends with a vengeance. Only eleven percent of the young trustees call themselves Republicans, perhaps explaining to some extent their antipathy to individuals who are members of that party."[79]

That the inclusion of student (young) trustees into governing boards will have some effect on the board's operations and decisions is apparent. However, the degree to which student trustees and student participation in campus governance will effect the banking/business influence which many students believe currently dominates governance will be seen over the coming years. In all events, the "movement" does not significantly alter the dominant American approach; it simply puts the governing board under the influence of a different societal interest group.

C. The University as an Educational Community Approach

The third major view of higher education in America is that of the educational community. The educational community approach traces its development to the original twentieth century experimental college, which saw all participants in the college's operations as members of a special community. Each of these persons, regardless of whether he was an administrator, a faculty member, (sometimes a worker) or a student

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78. W. John Minter, Editor, Value Change and Power Conflict in Higher Education, Center for Research and Development in Higher Education of the University of California at Berkeley (Berkeley, California, October 1969).

79. Survey of Young Trustees for C.U.N.Y.

was an equal member in the process of participatory democracy. The notion, however, did not succeed or grow until the late 1960's when students began using it widely as rationale for increased student participation in governance. "Cleveland State University" explains Larry Tomczak, 1970 Student Body President of Cleveland State, in a report entitled Proposal for a Student on the Board of Trustees, "cannot be viewed solely as a mass complex of buildings inhabited by students, faculty and administrators. This university must be perceived as a community - a community of individuals committed to improving education at the individual and mass levels."[80] And in so saying, Mr. Tomczak speaks for many students and student organizations across the country. The Cleveland State Student Body President goes on to say: "In order to facilitate the accomplishments of the many objectives of Cleveland State's community, a system of community government must be employed. Why community governments? The key to the answer is the word 'community.' Our campus is a community, one where all the members must work together in a constructive manner in order to maintain a viable institution. The community consists of students as well as faculty and administrators and all of them should be included in the governance of that community."[81]

1. Democracy on Campus

Lying at the heart of this approach is the democratic principle that "decisions should be made by those affected," as Mr. Tomczak indicated. In referring to the corporate organization of the dominant American approach to higher education, Harry Buck indicates that "most colleges and universities are hierarchial, and I want to see them democratized."[82]

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80. Larry Tomczak Proposal for a Student on the Board of Trustees, a report submitted to the Cleveland State University Board of Trustees in 1971 by the C.S.U. Student Government, page 3.

81. Ibid.

82. Letter to Stan Thomas from Harry M. Buck, Executive Director of the American Academy of Religion, dated July 18, 1972.

Mr. Buck is supported in his goal by Murray Brown, who writes that "students are governed and affected by decisions of such [governing] boards as are faculty and staffs."[83] "What is needed," says Ralph Huitt, "is full and effective participation by students in everything which affects them - which includes very much that happens in the institution."[84]

This principle of community governance is in sharp contrast to the dominant educational corporate principle of board governance and lies at the heart of most of the campus governance disputes which have arisen since 1965. This democratic approach to campus governance more frequently finds an outlet in a "University Council" proposal than in a "Student Trustee" proposal. Essentially, the educational community approach to higher education seeks not to add students to boards of trustees but to ultimately do away with such boards. The University Community Council, proposed by the Committee on University Governance of the University of New Mexico, would include representatives from the administration, the faculty and the student body.[85] The New Mexico University Council is not unlike others which have sprung up on hundreds of campuses over the past five years.

2. The Application of Democratic Principles

Attempts have been made, though, to soften the direct effects of the community governance principle on trustees themselves. Morris Keeton of Antioch College, for example, proposes the use of shared authority. "Shared authority," says Mr. Keeton, "is not authority granted on sufferance as a sop for good behavior. It is a right. At the same time, it is neither the

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83. Letter to Stan Thomas from Murray Brown, Secretary of the National Association of Colleges and Teachers of Agriculture, dated July 13, 1972.

84. Letter to Stan Thomas from Ralph Huitt, Executive Director of the National Association of State Universities and Land Grant Colleges, dated July 20, 1972.

85. Committee on University Governance Report to the Regents of the University of New Mexico, May 1971.

sheer surrender of power by its present holders, nor the assumption of power by new ones, possibly students or faculty or particular pressure groups on campus."[86] But, in reaction to the notion, Harold Hodgkinson indicates that "there is precious little evidence thus far that the concept of shared authority actually works."[87]

Finally, it should be noted that a great deal of the literature and rhetoric of the educational community approach to higher education rests on the literature and rhetoric of the American democratic tradition. "Participation in governance," claims Orin Graff, "is a guaranteed political right of our adult citizens and an essential characteristic of education for those who believe that self discipline is best achieved through the use of reason in thought and action; it is indispensible to the maintenance of the university as a free marketplace for ideas in which the total university community participates freely and responsibly."[88] Guenter Lewy and Stanley Rothman similarly conclude that "given the strength of the democractic ethos in American society and especially in the country's educational philosophy, it is small wonder that the student activists' proposal to democratize American higher education has found favor with beleagured administrators and faculties."[89] The educational

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86. Morris Keeton "The Disenfranchised on Campus;" The Journal of Higher Education (Volume XLI No. 6, June 1970), page 424.

87. Harold Hodgkinson, "College Governance: The Amazing Thing it Works at all, Report 11 for the ERIC Clearinghouse; (Washington, D. C., page 4.)

88. Orin B. Graff, "Value Referents In the Governance of Higher Education" Theory Into Practice, (Volume IX No. 4, October 1970); School of Education, Ohio State University, Columbus, Ohio, page 220.

89. Guenter Lewy and Stanley Rothman "On Student Power" AAUP Bulletin, Washington, D. C., Fall, 1970 page 279.

community governance is perhaps best summed up by Herbert Gans who writes: "I believe strongly in the idea that the constituents and clients of any agency ought to be on agency boards, whatever the agency. Consequently, I also believe that students ought to sit on collegiate boards of trustees."[90]

D. Student Consumerism (The Student as Consumer Approach)

1. Newest Approach

The final, and in many ways the youngest, of the four significant views of student participation in American higher education's governance is one that has grown up over the past six years with the national concern for consumer protection. Student consumerism as a means of protecting student rights has found much support and development, although it has not yet developed a substantial governance logic. Margery Tabankin, for example, explains that "since increasing numbers of students are "paying their way" through college, we /the National Student Association/ feel that they are entitled to some form of consumer advocacy."[91]

Ms. Tabankin's sentiments are supported by Alice Beeman who writes, "I can certainly express my own strong personal feelings that students should be represented on college and university boards of trustees and directors. I believe that they bring the consumer's point of view to these boards which otherwise might not have direct access to such opinion."[92]

Clearly, the consumerism approach holds that the consumers of a service should have some direct input into the design and operation of that service. It is unclear, however, whether that position necessitates full student participation in governing boards (as say the educational community approach would) or whether it simply

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90. Letter to Stan Thomas from Herbert Gans, President of the Eastern Sociological Society, dated July 28, 1972.

91. Margery Tabankin, President of the National Student Association: Press Release dated February 24, 1972.

92. Letter to Stan Thomas from Alice L. Beeman, General Director of the American Association of University Women, dated July 18, 1972.

suggests it as a possible route for student consumer advocacy.

2. Consumer Activism

The Council of Washington State Student Body Presidents, in one of the earliest presentations of this approach, told the Washington State legislature that "The Council wishes to emphasize that State college and university students pay the largest per capita share of the cost of their education. Thus students, who pay the largest share of their education costs, have never had one of their members in a voting trustee position."[93] Their position is reflected, almost indentically, by the Student Association of the University of Minnesota, which in November 1971, claimed that "Investing millions in University operations annually, students are entitled to oversee the use of student funds for student education, the same way that the State appoints the Regents to oversee the use of biennial State appropriations."[94] The impact of student consumerism, oddly enough, has been felt more at State colleges and universities - where students pay considerably less for education - than at private schools - where students pay much more. This can probably be attributed to the fact that State university students, by and large, are from lower income bracket families where the cost of tuition and expenses will cause a financial burden, and hence students are much more concerned about how their tuition monies are spent.

In one of the rare developments of a student participation in governance theory through student consumerism, Ivor Kraft explains that:

> The students are the unrivalled experts concerning the actual educational processes which are underway at any given time in the university. It is precisely the students who are the recipients - the consumers we might say - of these educational processes.[95]

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93. From a statement by the Washington State Council of Student Body Presidents of the University of Washington, dated February 1, 1969.

94. From a statement by the Student Association of the University of Minnesota dated November 1971.

95. Ivor Kraft "Student Power in American Higher Education" The Educational Forum (Vol. XXXV, No. 3, March 1971) pg. 329.

Robert Glidden, in analyzing the same question, agrees as he writes that "the most important consideration, however, is that the students are the consumers and I personally believe they should be represented on the policy-making bodies which govern their education."[96] Glidden, in this respect, speaks for a whole generation of consumerists who find student consumerism an appropriate vehicle for student participation in the governance of higher education.

96. Letter to Stan Thomas from Robert Glidden, Executive Secretary of the National Association of Schools of Music, dated July 10, 1972.

DOCUMENTS A-G

A. Letter from Governor Wallace

B. Letter from Governor Seargent

C. Letter from Governor Curtis

D. Memorandum from the President of the Kentucky Student Association

E. Letter from the Attorney General of the State of Kentucky

F. HFW Trustee Survey--Question No. 7 on Conflict of Interest

G. Flver Written by John Ronsvalle of the University of Illinois

III

THE SCOPE OF STUDENT PARTICIPATION IN THE GOVERNANCE OF HIGHER EDUCATION

As of June of 1972, there were some three hundred and thirty colleges and universities whose governing boards contained student members.[97] Although this number (which is in fact a minimal figure) represents only twelve and one-half percent of all American colleges, it is indicative of a trend among colleges and universities to appoint students to governing boards. When, for example, the Association of Governing Boards of Universities and Colleges undertook a study in the spring of 1971 of a cross section of 1,050 colleges, they discovered that sixty-six percent of all responding schools had undergone a governance change since 1966.[98] Over seventy percent of the public schools responding had undergone governance changes. These figures are corroborated by Ray Muston, who in 1970, undertook a similar study for Indiana University. Mr. Muston concluded that "a majority of institutions reporting change in student involvement in 1969 are public." This was the most significant governance change of the year.[99]

This rapid movement towards greater student participation in governance in State and public institution was noted earlier in this report; however, it is worthy of further examination. The first State to enact legislation making students members of State boards of trustees was Kentucky, which did so in 1968. One year later students were given full voting privilege by the Massachusetts Legislature. These two States were followed in short order by North Carolina, Montana and Connecticut. Bills are currently pending in at least twelve more States and by 1973 the number of States which have statutory admitted students to the State trustee systems should rise to about a dozen.

The other principal action taken in State university systems is the result of gubernatorial action. In most States, the trustees of State schools are either appointed by the governor or appointed by the governor with the consent of the State Senate. Governor Raymond Schaeffer, in 1969, became the first governor to appoint students (student body presidents in this case) to the State trustee boards. As was initially

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97. Institutions of Higher Education with Student Members on Their Governing Board.

98. Association of Governing Boards - Boards of Trustee Survey.

99. Ray Muston, "Student Participation in Governance Becomes Formalized and More Public as it Gains Momentum," College and University Business, Vol. 48, No. 3, page 12, March 1970.

the case in Kentucky, the governor made the students non-voting board members. Subsequently, Governors Schapp (Pennsylvania), Wallace (Alabama), Curtis (Maine), Gilligan (Ohio) and Mayor Lindsay (New York City) made students full voting members of these higher education boards. Over the past two years, several other governors have expressed interest in appointing student body presidents to State governing boards. But, as yet, none has taken action.

DOCUMENTS H-P

H. Press Release from the Governor of Pennsylvania

I. Executive Order Number 23 from the Governor of Alabama

J. Letter from the Acting Commissioner of Higher Education of Pennsylvania

K. Press Release from the Governor of Massachusetts

L. Chapter 320 of Senate Bill 222 of the North Carolina State Senate

M. House Bill Number 481 of the Montana State House

N. Senate Bill Number 41 of the Kentucky State Senate

O. Senate Bill Number 728 of the Oregon State Senate

P. Title XII of the Education Amendments/Section 510

IV

CONCLUSION

If little else is clear from our review of the nature and scope of student participation on governing boards, it should be at least clear that there is no unanimity of thought on the subject. And more importantly, the diverse attitudes concerning this subject are likely to represent fundamentally different perspectives, not only on the campus governance system, but on the very nature and purpose of postsecondary education. In this respect, one's preference for a given governance system is very likely to be determined by one's educational philosophy.

It is important to understand, then, that governance is an integral part of a college's character. The governance of a college is no less important to the educational viability of that institution than is the quality of its faculty. Each element makes a significant contribution to the educational environment. The question is not "What kind of governance system do we want for our campus?" but "What kind of educational environment do we want for our campus?" The answer to that question depends almost entirely on what the respondent perceives as the mission and purpose of the college and/or university.

Many educators, as we have seen, view the pursuit of an education as an end in itself. It is quite natural when higher education is viewed as a self-rationalizing art form that the masters of that art will govern the educational environment. In other words, if one accepts the notion that higher education exists for learning's sake alone, then the conclusion that the governance system should be built around the faculty is almost inescapable.

On the other hand, many student and faculty groups continue to see higher education as a part of society with an assigned mission. These educators and students perceive the educational experience as essentially one in which the various parts of the campus community equally share responsibility. For them, higher education is not quite independent of society (as would be the case in the Community of Masters) and yet it is not quite a servant of society (as would be the case in the Educational Corporation). It is a semi-autonomous, semi-independent institution serving some of its own interests and some of society's interests. Given this view of higher education, it is quite natural that a system of governance involving all segments of the institution (e.g., a university council, etc.) would participate in the decision-making process.

Another approach to higher education suggests that the educational system is a servant of society and its needs. For a number of reasons, this notion has gained widespread acceptance in America. It follows from such an approach that neither the faculty, nor the students, nor the "campus community" should govern the institution. The question, in this case, is then shifted from "Who should govern the university?" to "Who should represent society's interests?" For many, our society's interests can best be defined and molded by the well-trained, the highly educated, the wealthy and the successful. And for them, it is quite understandable--indeed desirable--that society's interests be determined by bankers and lawyers on the collegiate governing boards. For others, society's interests would be best represented by those who are not members of the "power structure." And it is quite natural for these people to favor the inclusion of blacks, browns, young people, and women on boards of trustees.

These factors indicate that there is no absolute definition of the role of higher education. And, consequently, there is no absolute formula for a governance system. In fact, before one can even determine which form of campus governance he prefers, be it corporate, democratic, or guild-like, he must first determine the purpose of higher education. Consequently, it is incumbent on any college or university to devise a governance system which is reflective of its educational mission and philosophy to ensure the relevance of the governance system to the educative process of the particular school.

We began this report with the statement that "The question of who should govern our colleges and universities is one which is as old as is the notion of higher eucation. It is a question which has confounded educators, politicians, journalists, and students alike for at least seven centuries and probably will continue to do so for at least seven more." We should by now understand why. Obviously, the debate over who should govern our colleges will continue. Our goal, and the goal of this report, should be to add to our understanding of the subject.